05-44481-rdd Doc 20795-4 Filed 11/15/10 Entered 11/15/10 16:08:36 Proposed Order Pg 1 of 2

-----x

In re : Chapter 11

DPH HOLDINGS CORP., et al., : Case No. 05-44481 (RDD)

•

Reorganized Debtors. : (Jointly Administered)

-----:

ORDER ENFORCING MODIFIED PLAN AND PLAN MODIFICATION ORDER INJUNCTIONS AGAINST INDENTURE TRUSTEE WITH RESPECT TO CERTAIN 1994 BONDS ISSUED BY THE COUNTY OF TRUMBULL, OHIO

("SECOND INDENTURE TRUSTEE PLAN INJUNCTION ORDER")

Upon the Reorganized Debtors' Motion For Order Enforcing Modified Plan And Plan Modification Order Injunctions Against Indenture Trustee With Respect To Certain 1994 Bonds Issued By The County Of Trumbull, Ohio, dated November 15, 2010 (the "Motion"); and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and it appearing that the demand of The Bank of New York Mellon Corporation (the "Indenture Trustee"), as indenture trustee with respect to the Sewage Disposal Revenue Bonds (General Motors Corporation Project) Series 1994 (the "Bonds"), for payments from DPH Holdings Corp. ("DPH Holdings") concerning the Bonds violates the injunctions set forth in Article 11.14 of the Modified Plan<sup>1</sup> and paragraph 22 of the Plan Modification Order; and for the reasons stated on the record at the hearing on the Motion on December 16, 2010, which are incorporated herein as findings of fact and conclusions of law in support of the entry of this order; and after due deliberations thereon and good and sufficient cause appearing therefor, it is hereby

<sup>&</sup>lt;sup>1</sup> Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in the Motion.

05-44481-rdd Doc 20795-4 Filed 11/15/10 Entered 11/15/10 16:08:36 Proposed Order Pg 2 of 2

ORDERED, ADJUDGED, AND DECREED THAT:

1. This Court has subject matter jurisdiction over this matter under 28 U.S.C.

§§ 157 and 1334, Article XIII of the Modified Plan, and paragraph 56 of the Plan Modification

Order. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b). This Court is

the proper venue for this matter pursuant to 28 U.S.C. §§ 157 and 1409.

2. The Motion is granted.

3. Any further action by the Indenture Trustee against DPH Holdings or any

of the other former Debtors with respect to its demand for payments concerning the Bonds,

without first proceeding in this Court to establish sufficient cause for relief from the injunctions

set forth Article 11.14 of the Modified Plan and paragraph 22 of the Plan Modification Order,

shall constitute contempt of this Court and subject the Indenture Trustee and/or counsel to

sanctions.

4. This Court shall retain jurisdiction to hear and determine all matters

arising from or relating to the implementation of this order.

Dated: White Plains, New York

December \_\_\_\_\_, 2010

UNITED STATES BANKRUPTCY JUDGE